G.R.S. IX-5]

Previous references.
Cp. 213-17 (1-23, 23A, 23B 25 & 28) (Courts)

1920.

File No. 43-20

Serial Nos. 17, 20, 24 to 26, 28 to 33.

Preserved

Later references.
cl. 79-24-1
" 46-27 (1-9)
Cts 41-30, 1-2
" 181-24-1-8

preserve
27.5.42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eleven.

Part B for December 1922.

SUBJECT

Proposals for increasing the powers of Bench Courts.

8(33) To

The Registrar, Chief Court.
The District Magistrates of Dts.
No. J. 4 910-18 of 25.4.22

Lays down rules regarding the powers of Bench Courts.

Printed on the Multigraph.

Sayeer Husain
7/11/22

(For Disposal at a Meeting)

No. C. 449
1921-22

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xii of the schedule)

Proposal for increasing the powers of Bench Courts.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

27th March 1922.

Extraordinary Member of Council.

First Member of Council.

5221-22
1.4.22

Second Member of Council.

Third Member of Council.

G.R.S. III—3]

CCo 43-20-17

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

From
The Residents of
Mudigere Taluk.
pray that the Amildar
of the Taluk may
be invested with
Second class powers
and the Ben ch Court
be abolished or that
a Special magistrate's
Court may be opened
in Mudgere.
Sulled!) It is understood
~~that the~~ from the
Civil List that Mr.
C. Jayakas is the
Amildar of the Taluk
and the power register
shows that he is
exercising 3rd
Class powers. The
petition will, if appd,
be sent to the Dt. Magte.
for disposal ~~or rep~~

Ess
5/4/21

As the Separation Scheme

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

been introduced in the Kadur Tot all the Amildars of the Tot have been appointed ex officio Second class magistrates. But they are prohibited from trying cases.

The alternative prayer, viz establt of a Spl Magte's Court at Mudgere seems also impracticable.

The petrs complain that they have to go a long distance to attend the Chickmagalur I class Magte's Court even for ordinary cases & this is the ground of their prayer referred to. If the any relief on this score is considered necessary, the question of investing the Bench Court at Mudgere with II class powers may perhaps be considered, in consultation with the Dt Magte, Kadur.

A

Subd Jurados

Apr 6/4

If appd, the W. M. will be consulted on the point at A.

D. M. 7/4

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

5724 7/4/4

3rd Member. — Have we not called for proposals to enhance the powers of the Bench Courts. If not a circular may issue to all the District Magistrates to [illegible] the Magistrate

with Magte's powers & suggesting that [illegible] 2 Rs 50, the limit for the Magte's class may be [illegible] Rs 100. [illegible] 11/4 [illegible]

G. R. S. III-2.

General and Revenue Secretariat. | 6th File No. 43 of 1920

	Serial No.	
3.7.6.U4B.		7) The dist magistrates of Mysore, Bangalore Shimoga & Kadur have been empowered by Govt to invest the Hony magistrates of the Bench courts of their districts with power to try cases of an ordinary nature such as theft of a less serious kind, simple hurt & assault.
7.		8) The Bench magistrates of Mysore, Kadur & Shimoga have been invested with powers under Sec 190 Sub section (1) Clauses (a) & (b) of Cr. P. Code. viz. to take cognizance (a) upon complaints (b) " police reports.
		9) The Bench magistrates of Bangalore dist have also been invested with powers under Sec 190 Sub section (1) Clauses a & b of Cr. P. Code. Copy of Circular to the dist magistrates is submitted with reference to para 6.
not issued since destroyed		(10) proposals to enhance the powers of the bench magistrates do not appear to have been called for.
		D. 26/4 11) Draft letter submitted for approval or other orders. A copy of the town notes of the Chief Secy is also put up. To m. 16/4
		3rd Member

NOTE—Contn. sheet.

19759 (5

G. R. S. III-2

General and Revenue Secretariat. | Cls File No. 43 of 1920

Serial No.

12) I have put up a Dft Circular to the Dt magistrates, it is appd by the Member. Please I send to-day

D. M. 27/4

To

20 The District Magistrates of Districts.

Circular No. G. 20275-82 dt 27-4-21.

Request them to forward a list showing the class of cases, The Bench Magistrates in their Districts are empowered to try & inform that Govt. are of opinion to invest them with full powers of a 3rd class magistrate & calls for suitable proposals in the matter

24 From

The Dt magistrate, ~~Kadar Dt~~ Chitaldrug Dt

Letter no D2 Dis 70/20-21 dt 26.5.21

States that the Honorary magistrates in the Taluks are men of meagre education, without any knowledge of law and being business men having no leisure to attend courts or to realise their responsibilities and that therefore they are empowered to try offences under sections 352, 323 & 524 I.P.C.

(3) The Dt magistrate is not favourable to invest the Bench court with full powers of a magistrate of the third class-

NOTE—Contn. sheet.

2458/ 2500/ 25805 6.

G. R. S. III-2]

General and Revenue Secretariat. | cts File No. 43 of 19 2021

Serial No.

14) The replies from the other District magistrates may if approved be awaited.
Submitted for orders

30/5/21

25 From
The District magistrate, Hassan Dt
Letter no C 79-20 dy 30.5.1921
With reference to sl: 20, forwards a copy of letter addressed to the Registrar being court recommending that the Bench Courts may be empowered to try cases under the Municipal Regulation, Cattle Trespass Act, Police and Vaccination Regulations, until a competent Chairman knowing criminal law is ~~formed act~~ appointed.

15) Subd Replies from the other districts may be awaited

2/6/21

26 From
The District magistrate. Bangalore Dt.
Letter no D2 is 231 dy 10.6.1921
Forwards a list showing the powers which the Hon: magistrates are empowered to try and states that the powers they are now empowered with are sufficient and that they need not be empowered with all the powers of Third Class magistrate.

16) Submitted with a draft to the other Dt magistrates

NOTE—Contn. sheet.

16-6-21

17) Issued
16/6

Issued no. G. 24606-7 Dy 20-6-

25-185 (linked)
4(5)
672 ✓

8

G. R. S. III-2]

General and Revenue Secretariat.

C/s File No. 43 of 1920-21

Serial No.	
19	Replies from the District magistrates of Kolar, Kadur and Shimoga are yet due - No reply is necessary ~~from there~~ Kolar as there is no bench magistrate's court in the District. The Dt magistrate Kadur Dt has been furnished with a copy of the circular which he wanted only yesterday. If approved the District magistrate Shimoga may be reminded. Submitted with a draft and fair.
	2/8/21 [illegible] 2/8
	20) [illegible] 3/8
	Issued 9/8 × Destroyed. Rem no D 554 dt 3-8-1921
30	From the District magistrate Shimoga Letter no Je 856 d 10-8-1921 States that unless a better qualified and experienced class of gentlemen are available, it is better to give them only limited powers and not the full powers of a third class magistrate. The District magistrate is not in favour of empowering these courts with the full powers of a third class magistrate except in Shikarpur and Thirthahalli.
	22) The reply from the Dt magistrate Kadur has not been received. Submitted with a draft reminder
	16/8/21.
	23) [illegible] 18/8
	Issued 9/8 × Destroyed. Item no D 849 dt 19-8-2[illegible]

NOTE—Contn. sheets

G. R. S. III-2]

G20

General and Revenue Secretariat.

Cts File No. 43 of 1920-21

Serial No.

31 From

The District Magistrate Kadur Dt

Letter no 22 Dis 36 dy 23.8.1921

States that the Bench Court at Chikmagalur may be invested with full third class powers and that the other Courts may be allowed to gain experience for another year before they are invested with full powers

K x pages 22 & 23 24) Submitted with a statement x showing the class of cases which the Bench Courts are empowered to try and recommendations whether full third class powers can be given to these Bench Courts.

Except Bangalore and Tumkur District magistrates all the rest ~~have~~ do not express very high opinion of these Bench Courts. The Dt magistrate Shimoga recommends that the Bench Courts at Thirthahalli and Shikarpur alone may be invested with the full powers. Only in Tumkur, the Bench Courts have been empowered with full powers. All the District magistrates recommend that the full powers of a third class magistrate may be invested after these Courts have gained some experience.

Submitted with reference to paragraph (6) of the notes for orders.

25) 27/8/21

26/8/21 2nd Member)

26/8/21

1533 27.8.21

NOTE—Contn. sheet.

10

G. R. S. III-2]

General and Revenue Secretariat.

CS File No. 43 of 1921.

Serial No.

1533

All the Courts at District Head Quarters may join full 3rd class powers & the Courts may join power to try theft cases when the value of the property lost does not exceed Rs 100. Point before issuing [illegible]. I would like to know what the volume of work with & whether the Court at District Head Quarters will be able to ~~[illegible]~~ cope with the same.

CS

[illegible] 25/5 [illegible]

26) There are no Bench Magistrate Courts at all in Kolar. Sub-d. All the Bench Magistrate's Courts at the other District Head quarter towns except at Rehetaldi ~~and Kolar where there is no court at all~~, have been invested with Second class Magisterial powers. Submitted for orders

1655 31.8.21

31.8.21 [illegible] 31/8/21 (2nd Member) - 27) [illegible] 31/8/21

This may be included as one of the subjects for discussion at the meeting of Dy Commrs during the next [illegible]

Rev Secy, with Compts, for necessary action, with the Dewan's appl. - [illegible] 17.9.21.

Chief [illegible] with [illegible]

28) R.R.R. Enlargement of powers of Bench Cts. [illegible] included. I spoke to member [illegible] to Branch [illegible] all for a note [illegible]

[illegible] 17.9.21

NOTE—Contm sheet.

[illegible] 19.9.21

G. R. S. III-2]

General and Revenue Secretariat.

File No. [illegible] of 19[illegible]

Serial No.

32) From

The [illegible] [illegible]

[illegible] no [illegible] 100 [illegible]

States that [illegible] no Bench [illegible]

[illegible] and that where [illegible]

are available, [illegible] with [illegible]

and procedure, the [illegible] of the

[illegible] of the 3rd [illegible]

[illegible] may be given.

Sd/-

29) The result of the Deputy Com is meeting may be awaited if approved

Yes. Cay

30) That will settle the matter 28.10.21

25-10-21

20/10

NOTE—Contn. sheet.

Dasara 1921

2638

SUBJECT No. 54.

Powers of Bench Courts.

Messrs. (1) B. Srinivasa Iyengar and R. Subba Rao, Anekal Taluk; Gubbiah, Anekal Municipality and (2) A. Srikantappa, Dodballapur Municipality.

Mr. B. Srinivâsa Iyengar.—(1) Once in every three months these Magistrates are changed. When the new set of Magistrates comes, even minor cases already tried by the other set of Magistrates are ordered to be tried *de novo*, which practice, I think is not necessary. There is no restriction in Criminal Procedure Code but High Courts have held Section 350 not applicable to Bench Courts.

Justice Mr. K. S. Chandrasekhara Aiyar.—These cases are summarily tried and evidence is not generally recorded, and as such it is desirable to try the case *de novo*.

Mr. B. Srinivasa Iyengar.—Whole evidence is recorded. There are no summary trials.

Third Member of Council.—Why not they go to the same Bench again?

Mr. B. Srinivasa Iyengar.—It is not possible. The period of tenure at least should be extended to one year or six months.

Mr. A. Srikantappa.—(2) It is very necessary that Bench courts must be invested with powers under Section 480 of the Criminal Procedure Code to try cases falling under Sections 175, 178, 179, 180 and 228 of the Indian Penal Code. Unless these powers are invested these courts will not be looked upon with respect. While Mr. Venkatâramiah was a Chairman of the Dodaballapur Bench court a case of disrespect to the court occurred and the Magistrate could not take any action since he was not invested with those powers. He had to apply to the Deputy Commissioner to deal with the man. Hence it is necessary that the Bench Courts should be invested with these powers.

Mr. Vema Reddi.—The present practice of changing the Magistrates once in 3 months may be changed to six months, in cases where the Magistrates are willing to continue, in which case there will not be much room for cases being tried *de novo* twice or thrice.

Mr. Hutchveeregowda.—If more powers are to be given to these magistrates, it must be thought twice before it is granted. Some of them are irresponsible men, and men who would like to take advantage to wreak vengence on their antagonists. It is better if police cases are not tried in these Bench Courts.

Third Member of Council.—Noted for consideration, in connection with the question of increasing the powers of Bench Magistrates.

31) The resolutions passed at the Deputy Commissioner's meeting on this subject have not yet been received. The Revenue Secretary may be requested to put them up if orders on them have been passed 32) Yes.

Rev. Secretary with compts)

1922

Please send a reminder to the Press. W.R.R.

31/1/22

copies will be sent soon as 28/1/22

28/1/22

The Press

BRANCH.

To Prohibition Branch with compliments.

31/1/22

31/1/22

31/1/22

31/1/22

Cuy 28.1.22

2638 3570
2635

(13

G. R. S. III-2]

General and Revenue Secretariat.

File No. 43 of 1925

Serial No.

5 136) Submitted with a copy of the Abstract of discussions held at the Dy Commissioners' meeting on 21st October 1921.

37) The discussions reveal that the Deputy commissioners are not in favour of enhancing the powers of the Bench Courts except in the two cities, for paucity of competent men. & it was decided that no further action is called for.

The subject no 54 of 21 brought up for discussion in the recent Dasarah Session of R.A. it was urged that the Bench courts should be given powers under sections 175, 178, 179, 180 and 228 I.P.C. In view of the discussions of the Deputy commissioners it is a point for consideration whether any enhanced powers may be given to the Bench magistrates in the various taluks.

37) Kind attention is also invited to the concluding remarks of the Dewan (Flag T) in the linked file.

38) Yesterday, there is a suggestion from the Chief Court, regarding 'De novo' trials in Bench Courts, regarding the remedy that is to be adopted — Please put it up.

Cas
11.2.22

NOTE—Contn. sheet.

2638

(14

G. R. S. III-2]

General and Revenue Secretariat.

Cts File No. 43 of 1920-21

Serial No.

Ceds 226-21

Filed.

39) That reference forms a separate file. The representation is also referred to therein. That file also is linked herewith for orders.

11.2.21

11/2/21

40) The question of increasing the powers of the Bench Courts was discussed at the Deputy Commissioners' Meeting, and it was thought inadvisible to increase their powers, except in the two cities. That aspect of the question may therefore be dropped for the present.

Flag G.

41) It was urged in the Representative Assembly that Bench Courts might be invested with powers under Sec 350 of the Cr. Procedure Code to avoid frequent 'De Novo' trials. The Cr. Pr. Code is not in their way; but the decisions of the High Courts are that the section is inapplicable to Bench Courts. The Chief Court have just now suggested a remedy, which may be adopted with advantage.

Flag F

Part heard cases may be posted before the same Bench, and though it means delay, it avoids 'De Novo' trials, which

NOTE—Contn. sheet.

General and Revenue Secretariat.

Ch File No. 43 of 1920

Serial No.

may mean more delay.

Hag Gr.

42) It was further urged that these Courts may be invested with powers under Sec 480 Cr Pro. Code to try cases falling under Secs 175, 178, 179 180 228 of Indian Penal Code — Offences relating to Contempt of Court, refusing to take an Oath, to answer questions & to produce documents. As the offences under those sections are triable by the Court in which the offence occurred, I am not sure if any further investing of power under Sec 480 is necessary. I am inclined to think that the power exists, as there does not appear to be any reservation so far as the procedure is concerned. The procedure (Cr. Pro. Code) is the same for all Courts, and there is no reservation, so far as Bench Courts are concerned. The recommendation of the Ch. Court on the 182 point may be approved, and regarding the second, the members informed that no investiture under Sec 480 is necessary.

Gen Secy

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. 43 of 1920

Serial No.

43) I think the Bench Courts may be invested with power to try thefts and similar offences upto ~~Rs~~ 50/- There can be no serious objn to this proposal

[The other question raised in the above note is dealt with in the separate file]

Files Shd not be linked unnecessarily

8/2

4112/18/2

3rd member

18/2

44) At the meeting of the Dy Commr since the Dy Commr were equally [illegible] power to Bench Magistrates up in case of thefts up to Rs 300. I think the Bench Courts at Taluq Head Quarters may be given the power to try cases of thefts in which the value of the property lost is 100 and the District Head Quarters Courts with full powers of 3rd class Magistrates in places where they are not given 2nd class powers

20/2/21

45) Putrip draft

20/2

NOTE—Contn. sheet.

2638

7

G. R. S. III-21

General and Revenue Secretariat.

Ch File No. 43 of 1920.

Serial No.

46) Draft Subd

Bne 22.2.22

[illegible] 23/2

47) Please put up a clean copy as revised.

Car 25/2

[illegible]) Clean draft Subd

Bne 25/2

[illegible] 27/2

49) For approval

Gen Secy

Car 27.2

4349
9.3.22

50) Dft may be appd

[illegible] 8/3 [illegible]

3rd Member) 51) Appd

[illegible] 11/3

52) Subd to Dewan before issue

53) Please circulate. This is an upt matter

[illegible] 14/3

Car 14/3

The proposal is to raise the limit of value of prop^y.

Under that reg is this due

Besides the own Doubt

Cam the representations

[illegible] 15.3

53) (Judl) Please note. Carefully

[illegible] 15/3

Ch

DEWAN'S OFFICE.
Recd. on MAR 14 1922
Reg. No. 4790

NOTE—Contn. sheet.

2638

G. R. S. III-2]

General and Revenue Secretariat.

Cts File No. 43 of 1920.

Serial No.

54) Under section 15 of the Cr. P.C. the Benches of Hony magistrates are ~~appointed~~ created and invested with powers to dispose of cases referred to ~~them~~ by the Dt magistrates. Petty cases of theft are even now being referred in accordance with para 1 of G.O No J 3215 Cts 202-07-5 dated 19.4.1909. Subd with refce to para 52 supra. The Draft follows the orders of the 3rd Members - If the representations made have to find a place, it will have to be revised.

Z) Where is this please I don't find it in the file. 17.3

17/3/22

17/3

55) Rules were framed for the guidance of Bench magistrates in the year 1909 (Flag E). The present order will be a supplement to those rules, and particularly to rule 1, which authorises Distt magistrates to specify the cases to be tried by the Bench magistrates. The present order will be a direction to the District magistrate.

Flag E x No. J 3215/Cts. 202-07-5 of 19.4.09.

56) The present file relates to enhancement of the powers of the Bench Courts - vide note of the member on 11-4-1917. The representation of the R.A. members (Flag G), was

1921?

NOTE—Contn. sheet.

G. R. S. III-2]

2638/9

General and Revenue Secretariat.

File No. of 19

Serial No.

attached only last year; as it related to the enhancement of the powers of Bench Courts. The present order does not deal with the powers asked for in flag G. The first portion of the representation is already worked up in a different file, the opinion of the Ch. Court, ~~court~~ obtained and an order passed. No orders have been passed however on the second portion

Gen Secy

Cay 21/3/22

57)

To the Ch. Sec'y with Compliments for circulation

Reed. 24/3.

28/3.

58) circulate by 27/3

Cay 28/3

NOTE—Contn. sheet.

9

2638 (20

Subject. -

Proposal for increasing the powers of Bench Courts.

....

OPINION OF THE COUNCIL.

Discussed in U 59)
Under my issue as now revised ~~is~~ ~~to~~
[illegible]
19/4

60) Genl. Secy. with Compliments.
[illegible]
20/4/22

61) As Issue (Notice change from 100 to 50).
[illegible] 20/4 [illegible]
20/4

21

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

33 The Registrar Chief Court J. 4919.
D. M. of Dts. J. No. 6910-18
Dated 25. 6. 22.

Intimates the investiture of the Hon. Bench Magts at Salute Head quarters with power to try cases of theft where the value does not exceed Rs 50/- and those at Hd. quarter town with power of a third Class Magistrate, when they are not already invested with such powers.

Sus B!, will be recorded of printed copies.
[illegible] 6/5
[illegible]
printed copy of the G.O. is placed in the file.

NOTE—Contn. sheet.

Statement showing the class of cases which the Third class Bench Courts are empowered to try and the recommendations etc., for enlarging their powers.

Sl.No.	District.	The class of cases which the Bench Courts are empowered to try Under Penal Code.	Under other laws.	Recommendation.
1.	Chitaldrug Dt.	Secs. 352,323 and 504.	Not furnished.	Not in favour of enlarging their powers for some time to come.
2.	Hassan District.	" 323,352,504 and 379 where the value of the property lost does not exceed Rs. 5/-.	Offences under Municipal Regulation, Cattle Trespass Act, Police Regulation and the Vaccination Regulation.	do.
3.	Bangalore Dt.	Ss. 352,323,379 (in which the value of the property lost does not exceed Rs.50/-) 426,504,160,285,289,336,447,448 & 510 and Power to take cognisance of any offence under Sec.190 (a) of the Criminal Procedure Code. Power to take cognizance of - offence or Police report under Sec. 190(b) of the Cr.Procedure Code.	The Mysore Municipal Regulation, The Vaccination Regulation. The Public Conveyance Regulation. The Regulation for the prevention of cruelty to animals. The Village Sanitation Regulation and rules. The Village Police rules. The Cattle Trespass Act. The Elementary Education Regulation.	States that after seeing their competence, he has extended their powers and after sometime the full powers of the Third class Magistrate may be invested.
4.	Tumkur District.	160,323,352,426 and 504, 379 - where the value of the property lost does not exceed Ra. 10/-.	Police Regulation. Mysore Vaccination Regulation, Municipal Regn. Cases that may be referred by the District Magistrate.	Empowered with full Third class powers from July 1921.
5.	Mysore District.	352, 323, 379. Where ----- the value of the property lost does not exceed Rs. 25/-	Village Sanitation Regulation. Police Regulation. Village Police Rules, Cattle Tresspass Act and Vaccination Regulation.	Not in favour of enlarging their powers for sometime.
6.	Shimoga Dt.	140,160,170,171,172,277,278,279, 285,286,289,290,294A,223,334,336, 352,356,357,358,403,426,504,510.	Village Sanitation Regulation, Police Regulation & Village Police rules, Cattle Trespass Act and Vaccination Regulation.	Except in Shikarpur and Thirthahalli, the powers of a Third class Magistrate need not be invested for the present.

7.	Kadur District.	Not furnished.	Not furnished.	Recommends that the Chikmagalur Court may be invested with full third class powers and that the other courts may be allowed to gain experiencé.
8.	Kolar District.	No Bench Court in Kolar District.	-	

- -

C Abdul Ghani
for Genl Secy.

C449

Proposal for increasing the powers of Bench Courts.

On the 17th Feby. 1921 certain residents of the mudgere Tauk. Kadur Distt. - petitioned to the Dewan requesting that the Tq. Amildar may be re-invested with 2nd class magisterial powers & that the Bench Court may be abolished or to establish a Special magistrates' court at mudigere.

Circular No. G. 20275-82 dt 27/4/21 was thereupon issued to all Distt. magistrates calling for their opinion re investing Bench magistrates with 3rd class powers together with a list showing the nature of the cases they are empowered to try

The above information was received by the end of August 1921

On the 16th September 1921 the 2nd member ordered that the subject may be included for discussion at the next Dy. commrs' meeting

Para 27 of the notes.

The question of 'De novo' trial in and giving increased powers to Bench Courts was also discussed at the Dasara R. A 1921 at the end of which it was noted for consideration.

The 3rd member is of opinion that Bench courts at Tq. Hd. Qrs may be given the power to try.

Para 44 of notes

cases of theft in which the value of the property lost is Rs 100/- & the Distt Hd. Qr. Courts with full powers of 3rd class Magistrates in places where they are not given 2nd class powers.

A draft approved by the Member as above is in the file.

When the papers were sent to the Dewan he was pleased to refer them to the Council and enquire the authority under which the proposal to raise the limit of value of property could be sanctioned observing at the same time that the order does not cover the representations

Para 53 of notes.

The file was then referred back to the Legis. Branch for noting upon the Dewan's observations.

For the note of of the A.S. Legis Branch please see paras 54-57 of the notes.

Point for orders.

The draft which is approved by the Member is for consideration and orders.

Subd

The concluding portion of the draft does not tally with the Member's orders in the note (para 44)

			(2) Incomplete works should be carried out before fresh estimates are sanctioned and new works taken up—Estimates should not be sanctioned so as to exceed the budget allotment—Works should be carried out as soon as estimates are sanctioned.	(2) Necessary instructions may be issued.
6.	Agricultural resources.	(1) Shortage of ploughs and carts. (2) Decrease of sheep and goats. (3) Small increase of bulls and bullocks.	(1) In the opinion of the Director of Agriculture, the decrease in the number of ploughs by 1 per cent is inappreciable, as several new ploughs of improved pattern had been introduced, one such plough being equal to 10 old ones. (2) The decrease in goats by 30 per cent is no matter for concern as it will not affect agriculture as they are not used for agricultural purposes. Only their droppings are used as manure for certain plants.	(1) In half-a-dozen taluks where the decrease is most noticeable (as may be ascertained from the census records), a proper enquiry as to how far the ploughs of improved pattern have come into use should be conducted and the result reported. The Director of Agriculture will be requested to arrange for this. (2) The decrease in sheep and goats is a matter of real concern. The taluks in which the decrease is more than 7 per cent and 30 per cent respectively should be selected for a detailed investigation of the causes that have resulted in such loss. The Superintendent, Civil Veterinary Department, should undertake this work.
7.	Grant of lands to depressed classes and the appointment of a special agency for the amelioration of their condition.		As the consideration of the general question of constituting a special agency will take some time, the decision already arrived at with regard to the reservation of 50 per cent of the lands surrendered by the Amrut Mahal Department for the benefit of the depressed classes, may be given effect to.	An order may issue accordingly.
8.	Improvement of live stock.	Necessity for good breeding bulls.	The Director of Agriculture pointed out that inferior bulls had been castrated on a large scale with the result that sufficient bulls were not available for cow-covering purposes. He suggested the establishment of breeding stations where Amrut Mahal bulls or other bulls of equally good species should be made available, at the age of 6 for service.	The Director may be requested to submit detailed proposals for the orders of Government giving the figures of castrations by taluks, so as to indicate where urgent relief is needed.

Abstract of discussions at the Deputy Commissioners' meeting held at Mysore on 21st October 1921—*contd.*

Serial No.	Subject	Points discussed	Brief abstract of discussions	Action proposed to be taken
			(4) The Revenue Commissioner wanted facilities for making copies of his circular instructions for communication to patels and raiyats.	4. He may be asked to state what facilities are needed, and what money is required to meet the cost of providing such facilities.
3.	Village Forest Scheme.	Whether any further measures are necessary to popularize the scheme and give impetus to the Forest Panchayets.	The whole scheme is being worked under the direction of the Revenue Commissioner and he is carefully watching the work of the Panchayets. The Panchayets are doing useful work under the guidance of the Special Officer. He is doing good work and has selected certain blocks for special supervision. Progress under this scheme is far more satisfactory than that under the Tank Panchayet scheme. The Deputy Commissioner, Kadur District, said that the scheme was not suitable for malnad areas.	No further action is needed for the present. Orders have recently been passed reducing the minimum area to 50 acres and empowering Panchayets to dispose of the forest produce therein except tangadi (and kakke) and sandalwood. Village Forests are constituted only if the Deputy Commissioner and Revenue Commissioner recommend and if a Deputy Commissioner does not require it in any locality; he need not recommend.
4.	Large Landed Estates Scheme.	As the progress made so far under the scheme is not encouraging, whether there are any difficulties in the working of the existing rules, and what measures are necessary to secure better results.	(1) In the opinion of the Director of Agriculture, the scheme is not quite a success. (2) Darkhasts under the ordinary rules for land out of areas selected for being granted as large landed estates, should not be rejected summarily in anticipation but disposed of on the merits.	(1) The Revenue Commissioner may be requested to expedite the report already called for from him as to the working of the estates already formed. (2) An order may issue to this effect. 3. And also to submit his proposals to make the scheme more successful in general.
5.	Rural water-supply.	The progress in the sinking of drinking water wells in rural areas, not being quite satisfactory what further measures are necessary to achieve better results.	(1) The Deputy Commissioners of Kadur and Shimoga wanted more funds, as the allotment now made was not sufficient. The Deputy Commissioners of Tumkur and Shimoga explained the necessity for a larger percentage for supervision charges.	

Resident of villages in Mudigere Taluk.

DIARY No. 17789 (20)

Request that the Amildar of the Taluk may be empowered to try second class criminal cases and the Benchi Magistrates' court abolished or a special magistrates' court opened Mudigere.

43-20
1-7-20
17

ಸ್ವಸ್ತಿ ಶ್ರೀ ಮಹಾಮಹಿಮರು ಸಿರಿವಂತರು ಸಕಲ ಗುಣಾಲಂಕೃತರು ಎಂ. ಕಾಂತರಾಜ ಅರಸು ಬಿ.ಎ. ಬಿ.ಎಲ್ ಅವರ್ಗೆ ಶ್ರೀಮಠದವರು ಬರೆದ ಕಾಗದ ಸಂಗತಿ ಏನಂದರೆ ಮುಡಿಗೆರೆ ತಾಲೂಕಿನ ಜನರು ಅಲ್ಪಸ್ವಲ್ಪ ಕಾರ್ಯಕ್ಕೆ ಬೆಂಚಿ ಮೆಜಿಸ್ಟ್ರೇಟರ ಕಛೇರಿಗೆ ಹೋಗಬೇಕಾಗಿದೆ ಆದ್ದರಿಂದ ಮುಡಿಗೆರೆ ತಾಲೂಕಿನ ಅಮಲ್ದಾರರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟರೆ ಒಳ್ಳೆದು ಅಂತ ಬೆಂಚಿ ಮೆಜಿಸ್ಟ್ರೇಟರ ಕಛೇರಿ ತೆಗೆದು ಹಾಕಿ ಅಥವಾ ಮುಡಿಗೆರೆ ಸ್ಪೆಶಲ್ ಮೆಜಿಸ್ಟ್ರೇಟರ ಕೋರ್ಟು ಇಟ್ಟರೆ ಒಳ್ಳೆದು ಅಂತ ಬರೆದಿದ್ದಾರೆ.

ತಾರೀಖು 17. 2. 1921

ಅಂತಾ ಬರೆದಿದ್ದರು ಅಂತ ಸಂಗತಿ ಕೇಳಿ ಬಂದಿದೆ. ಸುಮಾರು ಮೆಜಿಸ್ಟ್ರೇಟರ ಕೆಲಸ ಕೆಲಸ ಇದ್ದರೆ ಅಮಲ್ದಾರರ ಕೈಲಿ ಕೆಲಸ ಮಾಡಿಸಿದರೆ ಒಳ್ಳೆದು ಅಂತ ಕೆಲ ಜನ ಅಭಿಪ್ರಾಯ ಪಡುತ್ತಾರೆ.

ಅಂತಾ ಕೆಲ ಜನ ಅಭಿಪ್ರಾಯ ಪಡುತ್ತಾರೆ. ಅಂತಾ ಕೆಲ ಜನ ಅಭಿಪ್ರಾಯ ಪಡುತ್ತಾರೆ. ಅಂತಾ ಕೆಲ ಜನ ಅಭಿಪ್ರಾಯ ಪಡುತ್ತಾರೆ.

[illegible]

[illegible]

[illegible] P. Raachu [illegible]

Mohammad Imam

غوث بيگ

Rudrappashetty

H. R. Shankariya

M. Huchhe gowda

Coffee planter

Makanda

20275-82

H 143-20-20

Of 27/4/21

Circular

To

The Dist. Magistrates of Districts

Sir

I am directed to request you to be so good as to forward a list showing the class of cases ~~of the powers entrusted to~~ the Bench Magistrates in your district are empowered to try —

The practices does not seem to be uniform & in some places the Bench Magistrates do not appear to have been empowered to try even ordinary cases of Theft under s. 379 of the I. P. C.

Since the Benches of Magistrates are doing useful work, Govt.

are of opinion that

opportunities may be

taken to develop the scheme ~~allow the Be~~

& to allow the Bench magtes

to exercise the full powers

of a 3rd class magte, except

the preventive powers to be

exercised by ex officio magistrates,

whenever competent men are

available for the purpose. It seems to be

desirable to remove the limit of

the value of the properties in these

cases, for example, so as to enable police officers

to place charge sheets before the Courts

of Bench magtes & provide further

scope for useful work to the latter.

I am to request you to be

so good as to send up suitable proposals

in the light of the above remarks before the

~~[illegible]~~ 1st of June 1921

for the Consideration of Govt

[illegible]

I have &c

Rev-sec

Office of the District Magistrate,

Chitaldrug District.

Dated Chitaldrug, 23rd May 1921.

From

C. Venkata Rao Esquire, B.A.,

District Magistrate,

Chitaldrug District.

To

B. Ramaswamiya Esquire, B.A.,B.L.,

Secretary to the Government of Mysore,

Revenue Department, Bangalore.

DIARY No. 24587
cts
43-20
24

Sir,

Adverting to your letter No. G.20775-82/Cts.40-20-20 dated 27th April 1921, I have the honor to state that so far as my experience goes, the Honorary Magistrates in the Taluks are - men of meagre education. They have no knowledge of law, or procedure and the Pleaders fight shy of the Bench Courts. Therefore the Bench Courts have no opportunities of improving their knowledge. Being business men they have little leasure to attend Courts or to realize their responsibilities.

As the system is still in an experimental stage, the Bench Courts are empowered to try offences only under Sections 352,323 and 504 Indian Penal Code. I enclose a copy of Chief Court --- Registrar's letter No.C.1008/20-21 dated 22nd April 1921.

I have the honor to be,

S I R,

Your most obedient servant,

District Magistrate,
Chitaldrug District.

ch 01170

19

From

C. Venkata Rao Esq BA
District Magistrate
Chitaldrug

To B. Ramaswamiaya Esq BA B.L
Secretary to the Government of His Highness the Maharaja of Mysore

Dated
Despatched } Revenue Department
Bangalore
26.5.21

Received
D2dis
General No. 70/20-21
No.

Enclosure No. one

Submitting opinion re the class of cases Bench Courts are empowered to try

CHIEF ... FROM ... 27 MAY 1921

27/5

Ex 15 8 (27

32

Letter No: C.1008/20-21 dated 22nd April 1921 from the Registrar of Chief Court of Mysore, to the District Magistrate, Chitaldrug Dt.

It was represented to the Chief Judge at the time of inspection of the Court of the Special First Class Magistrate of Bangalore that the public had no belief in the value of the Courts of Honorary Magistrates in Taluks and complained that the Benches had no knowledge of law or procedure and even as to facts took very little heed of the evidence. The advocates suggested that these Courts should be confined to small Municipal cases and the like and not ~~to~~ be entrusted ~~as small~~ with the trial of crimes unless they have had a Chairman who knows -- something of the Criminal Law. I have the honor to request that you will be so good as to furnish this Court with your opinion in the -- matter at an early date.

::::::::::::::::::::::::::

" C O P Y "

[signature]

For District Magistrate,
Chitaldrug District.

[signature]

C. 79-20/J.

Enclosures 3.

Office of the District Magistrate,
Hassan District,
Dated Hassan the 30th May 1921.

DIARY No. 2-5-507

Cts 43-20 25

From

B.Venkoba Rao, Esquire, B.A.,
District Magistrate,
Hassan District.

To

B.Ramaswamiah, Esquire, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department,
Bangalore.

Sir,

Adverting to your letter No.G.20275-82/Cts.43-20-20 dated the 27th ultimo, requesting me to give my opinion in the matter of allowing the Bench Magistrates to execise the full powers of a 3rd class Magistrate, I have the honor to forward herewith for information copy of letter No.C.1008/20-21 dated the 22nd April 1921 from the Registrar Chief Court and copy of my letter No. 79-20/J dated 28th May 1921 sent in reply thereto and to state that my views on the subject are as expressed in my letter to the Registrar.

As required in para 1 of your letter under reply, I enclose herein a list showing the class of cases that the Bench Courts in the District are empowered to try.

I have the honor to be,
Sir,
Your most obedient servant,

B. Venkoba Rao
District Magistrate,
Hassan District.

14587

1927 01787

From

B. Venkoba Rao Esqr B.A.
District Magistrate
Hassan District

To

B. Ramaswami Esqr B.A. B.L.
Secretary to the Government of
H. H. Maharaja of Mysore
Revenue Department

Dated 30th

Despatched } May 1921

Received

GEN'L REV.
Pro. No.
Cl. Sec.
JUN 1921

General No.

No. C 79-20

Enclosure No. 3

Subject

Giving opinion in the matter of allowing Bench Magistrates to exercise the full powers of a Magistrate of the 3rd class &c.

CHIEF SECRETARIAT
III
PROTECTION BRANCH
1 JUN 1921

Cols. 4 & 7

Letter No. C.1008/20-21 dated 22nd April 1921 from the Registrar of the Chief Court of Mysore, Bangalore, to the District Magistrate, Hassan District.

******

It was represented to the Chief Judge at the time of Inspection of the Court of the Special First Class Magistrate of Bangalore that the public had no belief in the value of the Courts of Honorary Magistrates in Taluks and complained that the Benches had no knowledge of Law or procedure and even as to facts took very little heed of the evidence. The Advocate suggested that these Courts should be confined to small Muncipal cases and the like and not be entrusted with the trial of crimes unless they have a chairman who knows sometging of the Criminal Law. I have the honor to request that you will be so good as to furnish this Court with your opinion in the -- matter at an early date.

******

" C O P Y. "

District Magistrate,

Hassan District.

Letter No.79-20/J. dated 28th May 1921, from the District Magistrate, Hassan District, to the Registrar of the Chief Court of Mysore, Bangalore.

******

Adverting to your letter No.C.1008/20-21 dated the 22nd instant requesting me to give my opinion on the suggestion that the Bench Courts should be confined to small Muncipal cases and the like and not be entrusted with the trial of crimes unless they have a chairman who knows something of the Criminal Law, I have the honor to state that though the formation of the Bench Courts is a desirable reform the difficulty in finding competent men to form such Courts is great and this ~~office~~ difficulty may continue for some years to come. I would therefore suggest that these Courts may be confined to offences under the Muncipal Regulation, the Cattle Tresspass Act, Police Regulation and the Vaccination Regulation in cases where there is no -- chairman who knows something of the criminal law. In such cases the Bench may also at the descretion of the District Magistrate be entruted with the trial of offences under sections 323, 352, and 504 I.P.C. and section 379 I.P.C. when the value of the property lost does not exceed Rs 5/-.

****

" C O P Y . "

District Magistrate,

Hassan District.

List showing the class of cases that the Bench Magistrates Court in the Hassan are empowered to try

No	Name of Court	Particulars
1	Bench Magistrates' Court Hassan. (The Magistrates are 2nd class Magistrates)	Secs 160, 277, 279, 290, 323 341, 352, 355, 358, 426, 44 448, 504 and 510 I.P.C. Offences under the Mini Regulation, Cattle Trespass Act, the Police Regulation the vaccination Regulation.
2	Do Arsikere Taluk (3rd class Magistrates)	Secs 323 352 and 504 I.P.C and 379 I.P.C when the of the property lost does not exceed Rs 5/-
3	Do Holenarsipur Taluk. (3rd class Magistrates)	Secs 323 352 and 504 I.P.C. and 379 I.P.C when the of the property lost does not exceed Rs 5/-

Hassan) B. [illegible]
30/5/21 } [illegible] District Mag[illegible]

02867

25865

(37)

Office of the District Magistrate,
Bangalore District,
Dated Bangalore, the 10th June 1921.

GEN. & REV. SECTT.
11 JUN 1921

From

M. A. Narayana Iyengar, Esq., B.A., B.L.,
District Magistrate,
Bangalore District.

To

B. Ramaswamaiya, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Revenue Department, Bangalore.

Sir,

With reference to your letter No.G.20275-82/Cts.43-20-21 dated the 27th April 1921 calling for a list of cases the Bench of Magistrates in this District are empowered to try and requesting to send up suitable proposals in the matter of allowing Bench Magistrates to exercise the full powers of a third class magistrate except the preventive powers to be exercised by Ex-Officio Magistrates, I have the honor to enclose herein a memo showing the class of cases the Taluk Bench Magistrates in this District are empowered to try.

As regards the investing the full powers of a third class magistrate to these Courts, I noticed during my recent inspection of these courts that the work turned out by them was fairly satisfactory and as the Bench deserved to be invested with more powers, they are further empowered by me to take cognizance of offences falling under Sections. 277, 278, 279, 341, 358 and 380 Indian Penal Code in which the value of the property lost does not exceed Rs.50/- from 1st July 1921. As it was only two years ago the Bench Courts were established, I think the investiture of the above powers for the present is sufficient and the value of the properties in theft cases also may be limited to -

to Rs.50/- as above. The question of giving them full powers of a third class magistrate may therefore be considered later on.

In this connection I send enclosed for the information of Government letter No.C.1008 of 20-21 dated 20th/21st April 1921, from the Registrar of the Chief Court and my reply thereto, from which it will be seen that a formal complaint was made by Advocates in Bangalore to the Chief Judge alleging very inefficient work by these courts, a complaint which appears to me unjustifiable.

I have the honor to be,

Sir,

Your most obedient servant,

M.A. Narayanaswami

District Magistrate,
Bangalore District.

Enc. 08/20

MEMO SHOWING THE CLASS OF CASES THE TALUK BENCH MAGISTRATES IN THE DISTRICT ARE EMPOWERED TO TRY.

1. Sections 352, 323, 379 (in which the value of the property lost doest not exceed Rs.50/-), 426, 504, 160, 285, 289, 336, 447, 448 & 510 of the Indian Penal Code.

2. Offences under the following special and local laws:-

(a) The Mysore Municipal Regulation.

(b) The Vaccination Regulation.

(c) The Public Conveyance Regulation.

(d) The Regulation for the prevention of Cruelty to animals.

(e) The Village Sanitation Regulation and rules.

(f) The Village Police Rules.

(g) Cattle Trespass Act.

(h) Elementary Education Regulation.

3. Power to take cognizance of any offence upon receiving a complaint of facts which constitute such offence Section 190 (a) Criminal Procedure Code.

4. Power to take cognizance of any offence upon a Police report of such facts Section. 190 (b) Criminal Procedure Code.

M.A. Narayanagowda

District Magistrate,
Bangalore District.

Letter No.C.1008 of 20-21 dated 20th/21st April 1921 from the Registrar of the Chief Court of Mysore, Bangalore, to the - District Magistrate, Bangalore District.

--

It was represented to the Chief Judge at the time of inspection of the Court of the Special First Class Magistrate of Bangalore that the public had no belief in the value of the courts of Honorary Magistrates in Taluks, and complained that the Benches - had no knowledge of law or procedure and even as to facts took - very little heed of the evidence. The Advocates suggested that these Courts should be confined to small municipal cases and the like and not be entrusted with the trial of crimes unless they - have a Chairman who knows something of the Criminal Law. I have the honor to request that you will be so good as to furnish this court with your opinion in the matter at an early date.

"C o p y"

M A Venugopalan

District Magistrate,
Bangalore District.

Letter No.D.2.Dis.229 of 20-21 dated the 3rd June 1921 from the District Magistrate, Bangalore District to the Registrar of the Chief Court of Mysore, Bangalore.

With reference to your letter No.C.1008 dated the 20th April 1921, stating that it was represented to the Chief Judge at the time of inspection of the Court of the Special First Class Magistrate of Bangalore that the public had no belief in the value of the courts of Honorary Magistrates in Taluks and complained that the Benches had no knowledge of law or procedure and that the advocates suggested that these courts should be confined to small Municipal Cases and the like and not be entrusted with the trial of crimes, unless they have a Chairman who knows something of Criminal law and calling for my opinion in the matter, I have the honor to state that in all the eight Taluks wherein the Benches of Magistrates' Courts have been established there are one or two persons who know something of the criminal law. If the courts are confined to small Municipal cases and the like, there will be no work for the courts as the cases filed under these laws are very few

2. Ever since the courts were established, these are working satisfactorily, the Honorary Magistrates evincing much interest. During my recent inspections of these courts also, I noticed that th work turned out by these courts was satisfactory.

3. The enclosed statement shows the number of cases filed, disposed of and pending in the several Taluk Bench Courts in the District. The Courts have tried 1,445 cases, and the number of cases in which their judgments were modified was 12 making hardly 0.13 per cent. These statistics do not justify the complaint of the advocates. It was only two years ago the courts were established and the courts appear to have already established their usefulness to

Number of Criminal Cases filed and dispos
District from 1-4-1919 to the

Serial No.	Name of Courts	Number of Cases filed	Number of Cases disposed of
1	Bench Court Anekal Taluk	238	220
2	do Devanhalli	150	141
3	do Doddballapur	152	126
4	do Magadi	287	267
5	do Nelamangala	113	107
6	do Kunkanhalli	218	208
7	do Hoskote (from 1-7-1919 to the end of April 1921)	222	214
8	do Chennapatna	183	162
	Total	1563	1445

ed of by the Bench of Magistrates in the Bangalore
end of April 1921.

Pending	Number of cases in which appeals were preferred and how disposed of — Confirmed	Modified and Reversed	Retrial ordered	Remarks.
18	2	.	2	
9	1	1	.	
26	1	1	1	
20	1	1	.	
6	2	3	2	
10	4	2	.	
8	7	.	1	
21	2	4	1	
118	20	12	7	

M. A. Narayanagar Car.
District Magistrate
Ins Bangalore District

26/17.

Office of the District Magistrate,
Tumkur District,
Dated Tumkur, the 14th June 1921.

From

Ananda Rao S.Sirsi, Esquire, B.A., LL.B.,
District Magistrate, Tumkur District,
T U M K U R.

To

B.Ramaswamaiya, Esquire, B.A., B.L.,
Secretary to the Government of His Highness the
Maharaja of Mysore, Revenue Department,
B A N G A L O R E.

S i r,

With reference to your letter No. G.20275-82/Cts.43-20-20 dated the 27th April 1921 calling for proposals in the matter of allowing the Bench Magistrates to exercise the full powers of 3rd class Magistrates, I have the honour to state that the Bench Magistrates' court here, is doing useful work since its establishment in 1915. A list showing the class of cases, the Bench Magistrates are empowered to try, in this District, is appended hereto. From the list, it is seen that only cases of theft, involving properties less than Rs.10/- are now being tried by the Bench Court and also such cases of theft which are referred to it by the District Magistrate, irrespective of the value of property. From July next the amount will be raised to Rs.50/- and the Bench will also be invested with power to try other third class cases over which they have not been exercising any jurisdiction now.

I have the honour to be,
sir,
Your most obedient servant,

For District Magistrate,
Tumkur District.

BK.

03244 1920-21

From

The District Magistrate,

Tumkur District.

To

The Revenue Secretary to Government, BANGALORE.

Dated the 10th/14th June 1921.

Despatched 14-6-21

Received

General No. D Dis 281

No. 2 20-21

Enclosure No. me only

GEN D REV. Pro-B2 17 JUN

Stating that the Bench Magistrates' Court will be invested with additional powers to try other third class cases (from July next) over which they have no jurisdiction now &c

****

Exp 5/1/28

45

LIST SHOWING THE CLASSES OF CASES THE BENCH COURT AT TUMKUR IS EMPOWERED TO TRY.

--ooOoo--

1. Offences under sections 160, 323, 352, 426, and 504 of the Indian Penal Code.
2. Offences under section~~s~~ 379, Indian Penal Code when the value of subject of theft does not exceed Rs.10/-
3. Offences under section~~s~~ 56 of the Police Regulation~~s~~
4. Offences under ~~sections of~~ the Mysore Vaccination Regulation.
5. Offences under ~~sections of~~ Chapter IX and appeals under section 86 of the Municipal Regulation of 1906.
6. Such cases arising in the Tumkur Taluk, as may be referred to them by the District Magistrate.

For District Magistrate,
Tumkur District.

BK.

4349

46

19

From

The District Magistrate,

Mysore District.

To

The Revenue Secretary to Govt.

of Mysore, Bangalore.

Dated 13-6-1921.

Despatched 15-6-1921

Received

General No. [illegible] 617

No. 720 21

Enclosure No.

GEN. REV. SE

Pro Ex

18 JUN 1921

1. Assault section 352 I.P.C.
2. Hurt 323 "
3. Theft 379 " (where the value of the property does not exceed Rs 25/-)
4. Offence under the Village Sanitation Regulation 1 of 1898.
5. do Section 56 of the Police Regulation V of 1908
6. do Village Police Rules
7 do Cattle tresspass Act of 1871
8. do Mysore Vaccination Regulation 1 of 1906.

Furnishing opinion in re the investiture of all the powers of a Third class Magistrate to the Bench Cowets in this District

C.S. 1876

26203

Ex. No. 617
20-21

Office of the District Magistrate,
Mysore District.
Dated, Mysore, 10th June 1921.

cts 43-20-29

From 13 JUN 1921

P.F. Bowring, Esquire,
District Magistrate,
Mysore District.

To

B. Ramaswamaiya, Esquire, B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

With reference to your letter No. G.20275-82 Cts.43-20-20 of the 27th April 1921, I have the honor to append in the [illegible] class of cases the Bench Magistrates in this District [illegible] empowered to try. In regard to theft cases, the [illegible] had at the commencement, been empowered to take up cases [illegible] the value of the property involved was not more than [illegible] this limit of the value was raised to Rs.25/- after [illegible] to give them some scope for useful work.

[illegible] there are Chairmen forthcoming in the mofussil [illegible] something of the Criminal Law, I am afraid it would be [illegible] to empower all these Benches to exercise the full powers [illegible] Magistrate, although some of them are competent.

I have the honor to be,
Sir,
Your most obedient servant,

P.F. Bowring

District Magistrate,
Mysore District.

06180

DIARY No. 672

No. J.C.856/Judl.20-21.

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

Dated, Shimoga 10/11th August 1921.

GEN & REV. SECTT.
14 AUG 1921

From

G. Aravamuduiengar, Esq., B.A.,B.L.,
DEPUTY COMMISSIONER, & District Magistrate,
SHIMOGA DISTRICT.

To

B. Ramaswamaiya, Esq., B.A.,B.L.,
Secretary to Government,
Revenue Department,
Bangalore.

Sir,

With reference to your letters Nos: G.20275-82/Cts.,43-20-20 dated 27th April 1921 and J. 554 dated 3rd August 1921 in the matter of the investiture of the full powers of a Third Class Magistrate to the Honorary Magistrates of the Various Bench Courts in the District, I have the honour to state that the Bench Court at Shimoga exercises the powers of a Second Class Magistrate and the other Courts at the Head Quarters of the Taluks and the Sub Taluk of Kumsi exercise the powers of a Third Class Magistrate.

2. As a precautionary measure however the classes of cases which can be tried by these Courts were defined in the marginally noted Memoranda, copies of which are herewith forwarded.

(1) Memo No: 445 of 20-21 dated 15th November 1920.
(2) Memo dated 18th September 1920.

It appears to me that such restriction is wholesome until we are in a postition to secure a better qualified and more experienced class of gentlemen to serve as Honorary Magistrates. Where such gentlemen are available as in Thirthahalli or Shikarpur full powers of a Third Clas

Magistrate

Magistrate may be granted.

I have the honour to be,

Sir,

Your most obedient servant,

District Magistrate,

Shimoga.

N.S.

Memorandum No: J.C. 445 of 1920-21 dated 15th November 1920.

.....

Memorandum.

The Bench of the Honorary Magistrates in Shimoga Town who have been invested under Government Notification No:G.5849/Cts. 18-19-16 dated the 13th September 1920 with powers under Section 190 Sub Section (1) clauses (a) and (b) of the Criminal Procedure Code, to take cognizance of offences (a) upon complaints, and (b) upon Police Reports, are under section 16 clause, (a) of the said Code, hereby empowered to try cases arising within the Taluk of Shimoga (including the Town) and falling under sections of the Indian Penal Code which are shown as triable by "Any Magistrate" and "A Second class Magistrate" in column 8 of Schedule II of the Criminal Procedure Code with the exception of cases falling under the following sections of the Indian Penal Code, namely:-

Sections:- 143, 144, 145, 147, 151, 153, 379 and 380.

Sections:- 135, 136, 137, 138, 154, 155, 156, 157, 158, 159, 165, 166, 173, 175, 176, 177, 178, 179, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 206, 207, 221, 223, 224, 225, 225 A, 225 B, 241, 254, 262, 264, 265, 266, 267, 271, 276, 288, 291, 295, 296, 297, 298, 309, 318, 324, 325, 335, 337, 338, 342, 343, 344, 345, 404, 406, 411, 414, 418, 419, 421, 422, 423, 424, 430, 431, 432, 434, 451, 452, 453, 454, 456, 457, 462, 482, 483, 498 and 508.

and they shall also try cases arising within the said area and falling under the following Special and Local Laws, namely:-

(1) Offences falling under section 24 of the Cattle Trespass Act I of 1871.

(2) Offences falling under the Village Police Rules.

(3) Offences falling under the Village Sanitation Regulation I of 1898.

(4) Offences falling under the Mysore Vaccination Regulation I of 1906.

Shimoga,
15th November 1920.

Sd/-. S. Hiriannaiya.
District Magistrate, Shimoga.

'Copy'

District Magistrate,
Shimoga District.

SGR.
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Memorandum dated 18th September 1920.

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Memorandum.

The Benches of Honorary Magistrates in the Taluks (excepting Shimoga) and the Sub Taluk of the District who have been invested under Government Notification No:G.5849/Cts. 18-19-16 dated the 13th September 1920 with ~~the~~ powers under section 190, Sub Section (1) clauses (a) and (b) of the Criminal Procedure Code to take cognizance of offences (a) upon complaints and (b) upon Police Reports are under section 16 clause (a) of the said Code, hereby empowered to try cases arising within their respective Taluks and Sub Taluk and falling under sections of the Indian Penal Code which are shown as triable by any Magistrate in column 8 of Schedule II of the Criminal Procedure Code, with the exception of the cases falling under the following sections of the Indian Penal Code, viz.,

Sections:- 143, 144, 145, 147, 151, 153, 174, 341, 374, 379, 380, 447, 448 and 451 (first part).

and they shall also try cases arising in their Taluks falling under the following Special and Local Laws:- Viz.,

(1) Offences falling under the Village Sanitation Regulation I of 1898

(2) Offences falling under Section 56 of the Mysore Police Regulation V of 1908.

(3) Offences falling under the Mysore Village Police Rules.

(4) Offences falling under Section 24 of the Cattle Trespass Act I of 1871.

(5) Offences falling under the Mysore Vaccination Regulation I of 1906

Sd/-. S. Hiriannaiya.

District Magistrate, Shimoga District

" C o p y "

District Magistrate,

To

Shimoga District.

SGR.
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43-20
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Office of the District Magistrate,
Kadur District.

Chikmagalur, Dated 23rd August 1921.

From

K. MYLAR RAO, Esquire B.A., B.L.,
DISTRICT MAGISTRATE,
KADUR DISTRICT.

To

R. RAMASWAMIYA, Esquire B.A., B.L.,
CHIEF SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Revenue Department,
BANGALORE.

SIR,

With reference to your circular letter No. 20275-82/ Cts. 43-20-20 dated the 27th April 1921 calling for my opinion in the matter of investing the Bench Court with the full powers of a 3rd Class Magistrate, I have the honour to state that the Court at Chikmagalur which has been working for some years past may be given full powers of a third class magistrate but as regards the other Bench Courts which have been recently started, it seems to me that they may be allowed to gain experience for another year before they are invested with full powers.

I have the honour to be,
Sir,
Your most obedient servant,
[signature]
Treasury Assistant Commissioner,
For District Magistrate,
Kadur District.
(Absent from Station.)

S.K.R.

07179

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From

The District Magistrate,

Kadur District.

To

The ~~Chief~~ Secretary to

the Government of His Highness

the Maharaja of Mysore,

Revenue Department

BANGALORE.

Dated 23rd } August 1921

Despatched

Received

General No. D2. Dis 36

No. 21-22

Enclosure No. —

SUBJECT

Furnishes opinion in the matter of investing the Bench Courts with the full powers of a 3rd class magistrate.

24 AUG 1921

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Office of the District Magistrate, Kolar District.

Dated Kolar, the 20th October 1921.

From

Md. Zahiruddin Mecci, Esq., B.A.,

District Magistrate, Kolar District.

To

B. Ramaswamaiya, Esquire, B.A., B.L.,

Secretary to the Goverment of Mysore,

General Department, Bangalore.

Sir,

With reference to your No: G.20275-82/Cts.43-20-20, dated 27th April 1921, requesting to forward a list, showing the class of cases, the Bench Magistrates in this District are empowered to try and also requesting to send up suitable proposals for giving enhanced powers, whenever competent men are available, I have the honor to state that there are no Bench Magistrate Courts in the District now and so no list is sent.

2. With regard to the question of giving increased powers to the Bench Magistrates, I am of opinion that where competent men, conversent with criminal law and procedure, are available, they may be empowered to exercise the full powers of a Magistrate of the 3rd Class, except preventitive powers, under the Criminal Procedure Code.

I have the honor to be,
Sir,
Your most obedient servant,

Treasury Assistant Commissioner,
For District Magistrate,
Kolar District.
(absent from station.)

V.V.R.

12977

From

The District Magistrate,
Kolar District.

To

The General Secretary to the Government of Mysore, Bangalore.

Dated the 20th October 1921.

Despatched

Received

General No.

No.

Enclosure No.

Stating that there are no Bench Courts in this District, to forward a list of the Class of cases, tried in those Courts.

1921

JUDICIAL

Cts 4 3-20 Sl. 33. (5-27

Proceedings of the Government of H.H. the Maharaja of Mysore.

Order No. J 4910-18

Dated Bangalore, 25/4/22

The question of increasing the powers of Bench Courts was urged at the Representative Assembly and discussed at the meeting of the Deputy Commissioners held in October 1921.

2 On a full consideration of the suggestions, Government are pleased to direct that the Bench Courts of Treaties at taluk headquarters be invested with power to try cases of theft where the value of the property does not exceed Rs. ~~100/-~~ 50/- and those at District Headquarters ~~s~~ lowers with full powers of a Third Class Magistrate. where they are not already invested with such powers.

Genl. Secretary to Gov

To

The Registrar, Chief Court.

The District Magistrates of Dts.

J 4919 (1)

25.2.22

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

G. O. No. J. 4910-18—Cts. 43-20-33, dated 25th April 1922

Powers of Bench Courts

Lays down rules regarding the ——

ORDER No. J. 4910-18—CTS. 43-20-33, DATED 25TH APRIL 1922.

The question of increasing the powers of Bench Courts was urged at the Representative Assembly and discussed at the meeting of the Deputy Commissioners held in October 1921.

2. On a full consideration of the suggestions, Government are pleased to direct that the Courts of Benches of Magistrates at Taluk Headquarters be invested with power to try cases of theft where the value of the property does not exceed Rs. 50 and those at District Headquarter towns with the full powers of a Third Class Magistrate when they are not already invested with such powers.

S. HIRIANNAIYA,
Genl. Secy. to Govt.

To—The Registrar, Chief Court of Mysore
The District Magistrates of Districts.

Exd.—K. P. S.

W D 2064—GPB—485—19 5-22